

106TH CONGRESS  
2D SESSION

# H. R. 4354

To amend the Immigration and Nationality Act to provide for the adjustment of status of certain unaccompanied alien children and the establishment of a panel of advisors to assist unaccompanied alien children in immigration proceedings.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide for the adjustment of status of certain unaccompanied alien children and the establishment of a panel of advisors to assist unaccompanied alien children in immigration proceedings.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Alien Unaccompanied  
5       Minor Adjustment and Protection Act of 2000”.

1 **SEC. 2. ADJUSTMENT TO PERMANENT RESIDENT STATUS**  
2 **OF CERTAIN UNACCOMPANIED CHILDREN.**

3 Section 245 of the Immigration and Nationality Act  
4 (8 U.S.C. 1255) is amended by adding at the end the fol-  
5 lowing:

6 “(l)(1) The Attorney General may, in the Attorney  
7 General’s discretion, adjust the status of an alien under  
8 18 years of age who has no lawful immigration status in  
9 the United States to that of an alien lawfully admitted  
10 for permanent residence if—

11 “(A)(i) the alien (or a parent or legal guardian  
12 acting on the alien’s behalf) has applied for the sta-  
13 tus; and

14 “(ii) the alien has resided in the United States  
15 for a period of 5 consecutive years; or

16 “(B)(i) no parent or legal guardian requests the  
17 alien’s return to the country of the parent’s or  
18 guardian’s domicile, or with respect to whom the At-  
19 torney General finds that returning the child to his  
20 or her country of origin would subject the child to  
21 mental or physical abuse; and

22 “(ii) the Attorney General determines that it is  
23 in the best interests of the alien to remain in the  
24 United States notwithstanding the fact that the  
25 alien is not eligible for asylum protection under sec-  
26 tion 208 or protection under section 101(a)(27)(J).

1       “(2) The Attorney General shall make a determina-  
2   tion under paragraph (1)(B)(ii) based on input from a  
3   person or entity that is not employed by or a part of the  
4   Service and that is qualified to evaluate children and opine  
5   as to what is in their best interest in a given situation.

6       “(3) Upon the approval of adjustment of status of  
7   an alien under paragraph (1), the Attorney General shall  
8   record the alien’s lawful admission for permanent resi-  
9   dence as of the date of such approval, but the Secretary  
10   of State shall not reduce the number of visas authorized  
11   to be issued under sections 201 and 203 as a result of  
12   such action.”.

13   **SEC. 3. PANEL OF ADVISORS FOR UNACCOMPANIED ALIEN**  
14                   **CHILDREN.**

15       (a) ESTABLISHMENT OF PANEL OF ADVISORS FOR  
16   UNACCOMPANIED ALIEN CHILDREN.—

17           (1) IN GENERAL.—The Attorney General shall  
18       provide for the establishment outside the Immigra-  
19       tion and Naturalization Service of a panel of inde-  
20       pendent advisors whose responsibility is to serve as  
21       guardians ad litem for covered unaccompanied alien  
22       children who are in proceedings before such Service  
23       under this section. No such individual shall be an  
24       employee of the Immigration and Naturalization  
25       Service.

1           (2) COMPOSITION.—The Attorney General shall  
2       provide for the preliminary designation of at least  
3       200 such advisors, or such greater number as may  
4       be required to carry out this section. Such advisors  
5       shall be individuals who are skilled in social services,  
6       psychology, education, and other fields relevant to  
7       serving as such guardians.

8           (3) DISTRIBUTION.—The advisors shall be des-  
9       ignated in a manner that assures that children in all  
10      parts of the United States are adequately served.

11      (b) ASSIGNMENT.—Whenever a covered unaccom-  
12      panied alien child is a party to an immigration proceeding,  
13      the Attorney General shall assign such child an individual  
14      from the panel established under subsection (a) to serve  
15      as guardian ad litem under this section.

16      (c) RESPONSIBILITIES.—The guardian shall provide  
17      advocacy, independent advice, and support to child in con-  
18      nection with the immigration proceedings, including any  
19      legal proceedings relating to the immigration proceedings.

20      (d) REQUIREMENTS ON THE ATTORNEY GENERAL.—  
21      The Attorney General shall serve notice of all matters af-  
22      fecting a covered unaccompanied alien child's immigration  
23      status (including all papers filed in an immigration pro-  
24      ceeding) on the child's guardian assigned under this sec-  
25      tion.

1       (e) DEFINITION.—In this section, the term “covered  
2 unaccompanied alien child” means an alien—

3           (1) who is under 18 years of age;

4           (2) who has no lawful immigration status in the  
5 United States and is not within the physical custody  
6 of a parent or legal guardian; and

7           (3) whom no parent or legal guardian requests  
8 the person’s return to the country of the parent’s or  
9 guardian’s domicile or with respect to whom the At-  
10 torney General finds that returning the child to his  
11 or her country of origin would subject the child to  
12 physical or mental abuse.

13       (f) CONSTRUCTION.—Nothing in this section shall be  
14 construed as affecting or superseding the appointment of  
15 guardians ad litem under other provisions of law.

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